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\$1.25, \$1.50, \$1.75, \$2.25, \$3.25, \$3.40, \$3.60, \$4.40, \$4.75, \$5.25, \$6.00, etc. Every style. Latest designs.

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The regular way, 70c. We place them on any gas fixture. The reading style, \$1.00. Specially adapted for drop lights.

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We have a full stock, finest makes, guaranteed perfect construction; no smoke or odor. \$1.85, \$2.85, \$3.50, \$4.25, \$4.50, \$4.75, \$5.00.

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Always to cook-especially now to heat, our \$1.25 stove will warm a good-sized room-our \$2.75 radiator is the required article to supply comfort in large rooms. See our \$1.20 and 95c. Gas Heaters.

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### C. A. Muddiman & Co.,

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USE A Heater, and GAS HEATER.

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Miller's? If not, and you want a nice Christmas present at a very low price, look over his stock and you will find the largest and best selected stock in the market, all new goods and bought at Trimmings of all kinds for lamps.

Francis Miller, 307 Ninth Street.

### Give Lamps! | Xmas present.

artistic shapes, every degree of rich decorations. And the handsomest Globes to -We just opened up a new line of Ruby

Globes-now so popular.
-Pretty Lamp and Globe to match, \$1.50. - Another special line of Lamps, \$2.50. Geo. F. Muth & Co., Formerly 418 7th Street.

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ZEMA-CURA

Washington, D. C., Feb. 28, 1901.
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For some years I have been troubled with Eczema on the head. I have used the Zema-Cura and found relief after a few applications. It is, I am satisfied, an excellent remedy for this disease.

F. D. POWER.

ZEMA-CURA cures all diseases of the skin.

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50c. and \$1.00 per bottle.

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> You can save 1/3 the price on Smoking Jackets; that we are closing out at actual cost price, prior to Xmas. \$3.50 to \$6.50.

Joseph Auerbach, Haberdasher and Hatter, 623 Pa. ave.

I have just received a full line of Kent's Solid Back, English

Bristle Hair Brushes. which I will sell until December 25, 1901, at remarkably low figures. A good Hair Brush makes a nice

John W. Jennings. WHOLESALE AND RETAIL DRUGGIST. 1142 Conn. Ave.

Dress Suits & Tuxedos When you want such a suit you want it right. We've made ours to order specially for this business. They're new—they're finished as well as \$50 suits. To hire at \$2 and \$2.50. All sizes. Acme Tailoring Co., 409 7th sate or legislature. The meager privileges bestowed are for the whites alone, the un-

### NATIONAL LIMBO

The Political Purgatory of American Appurtenant Territory.

THE STATUS OF APPURTENANCY

Its Occupants, Their Term of Detention and Their Limitations.

PRIVILEGES OF THIS LIMBO

which are limited in the Constitution to the United States necessarily extend, and which may even be separated from the body politic, if that is found nationally de-

The condition is experimental, affording opportunity for the applications of tests of worthiness. It is a purgatory, a transition dise of perfect absorption therein.

fant communities are fitted to enter the higher classes of instruction in American-

tory," as territory appurtenant to the United States, but not incorporated therein as an integral part thereof.

clared to exist by the court.

Says Chief Justice Fuller: "The contention seems to be that if an organized and settled province of another sovereignty is acn an intermediate state of ambiguous exstence for an indefinite period."

How far has the Supreme Court itself rendered unambiguous and definite the status of the occupants of this limbo?

How much of American territory does it nclude? All the justices of the Supreme Court agree that the states and the District of Columbia are outside of it. Eight fustices, all except Justice Brown, agree that organized, or what Justice White calls incorporated territories, are not included within it. Five justices-Justice Gray expressing the opinion, and the four dissenting justices necessarily, though tacitly and inferentially, sustaining him-agree that so far as this decision is concerned there are in it no territories in the strict and technical sense, only "territory in the broader sense, acquired by war from a foreign state," as our insular acquisitions from The four dissenting justices hold that there is no territory whatsoever in vote short of counting as authority.

Unmistakably within: Porto Rico and our other West Indian slands. Tutuila and the seventy guano islands "appertaining to the United States," Guam, the Philippines and all other Asiatic islands ceded to us by Spain.

Without:

All other American territory. protecting and increasing

the absolute despotism of military rule. It was brought within the customs union, but there was no other indication that it had ceased to be appurtenant and had become incorporated. In 1881 a civil government was provided for the district of Alaska, which is denounced as a sham by ex-Gover-nor Swineford in his work on Alaska. He says: "After the lapse of seventee; years, during the whole of which time the white residents of Alaska lived in a condition residents of Alaska lived in a condition either of absolute civil anarchy or military absolutism, their prayers for relief were answered by the enactment of an organic law in which all the more important and valued rights, privileges and immunities of American citizenship are expressly and positively denied them." The well-considered legislation of 1900 does not make Alaska an organized territory or a territory of any sort, but leaves it still "the district of Alaska," without either a territorial delegate or legislature. The meager privileges

status should be preserved for at least ten years. He notes as an objection to the view that the Constitution requires our customs regulations to apply to this territory that, if such were the case, we should be unable to carry out the provision of the treaty of Paris admitting Spanish ships and merchandise to Philippine ports for ten years on the same terms as ships and merchandise of the United States. If this reason suffices to put the Philippines in the appurtenant stage, it suffices, of course, to keep them there for the ten years during

of the population, being still outside of na- which our treaty pledge to Spain is opera-

Deficiencies and Disabilities. else, though incorporated territorially, its and disabilities peculiar to appurtenant territory and its occupants? (1) This territory is not a part of the United States under the revenue uniformity clause of the Constitution, and by analogy probably not under the bankruptcy and naturalization uniformity provisions. (2) It is not a part ritory or they constitute a defective class, an unassimilated political element, within of the United States for purposes of national citizenship, under the fourteenth

"There seems to be no middle ground beritory upon the condition that its inhabit-States." (Justice Brown.)

"To concede to the government of the Justice White for himself and Justices McKenna, Shiras and Gray.)

(3) It is not an integral and inseparable part of the United States territorially. It may be sold and ceded or otherwise disposed of, as a whole or in part. It was partly to avoid national inability thus to treat annexed territory that the Supreme

"In conformity to the principles which I have admitted it is impossible for me to say at one and the same time that territory is an integral part of the United States protected by the Constitution, and yet the safeguards, privileges, rights and immuni-ties which arise from this situation are so ephemeral in their character that by a mere act of sale they may be destroyed. And applying this reasoning to the provisions of the treaty under consideration to me it seems indubitable that if the treaty with Spain incorporated all the territor, ceded into the United States, it resulted that the millions of people to whom that the American people as expressed by Congress, and without any hope of relief, indissolubly made a part of our common country." (Justice White et al.)

Rights and Privileges

iar privileges which are coupled necessarily and inseparably with the deficiencies and lisabilities already cited. For instance, since such territory is not an integral part of the United States it follows that tax people of such territory, and they may escape also the novel and oppressive burden of American internal revenue taxes. .Congress may also for the benefit of such

territory, and is "not a foreign country within the meaning of the tariff laws." (De Lima against Bidwell, first Dooley against he United States and Pepke against the Inited States.)

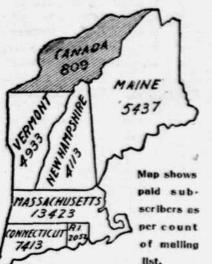
appurtenant territory "is only empowered

to its applicable limitations." (Justice White in Downes against Bidwell, voicing sentiments of himself. McKenna. Shiras and Gray, and also, as appears from the dissenting opinions, those of Fuller, Harlan, Brewer and Peckham.)

opinion of the court that the people of appurtenant territory are far from being subunprotected by that instrument; and that on the contrary the national organic law is operative in their territory; that the general prohibitions of the Constitution for the protection of life, liberty and property are applicable in their favor, like those against ex post facto laws, bills of attainder, titles of nobility and suspensions of habeas corpus; and that they probably enjoy the benefit of practically all of the personal privileges guaranteed by the bill of rights embodied in the first eight amend-Since the four dissenting justices in Downes

against Bidwell are committed to the view that the people of appurtenant territory are entitled to all American constitutional rights and privileges, the vote of only one of the majority is necessary in addition to decide in their favor on any specific point. Every concession then, whether made in the opinion delivered by Justice White or Justice Brown or Justice Gray, is to be duties laid upon the people of the states viewed as receiving the tacit but inevitable need not be uniformly imposed upon the indorsement of four other justices, and as of her purchases for Christmas gifts. It is being, in effect, a Supreme Court declaration upon the subject. The rights and privileges of appurtenant territorial citizens, as thus determined, are found to be extensive, instead of non-existent, lacking little in essentials except in the particulars already specified under the head of deficiencies and disabilities.

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status is anomalous in that its native pec

ple, being denied incorporation, are on pre-

cisely the same footing as the inhabitants

of appurtenant territory, and the territory

tself lacks the customary pledge of admis-

sion in due season into the Union as

state or states. The native Alaskans are

thus either the people of appurtenant ter-

Term of Occupancy.

How long is the term of occupancy of the

appurtenant condition? It lasts until ter-

minated by incorporation of the territory

nto the United States by act of Congress.

Justice Gray lays stress on the temporary

and transitory character of this occupancy.

'The system of duties," he says, "tempo-

rarily established by that act during the

transition period, was within the authority

of Congress under the Constitution." But

termination of this status is a legislative

act and, as in transferring from the terri-

torial condition to statehood, the judiciary

cannot usurp legislative discretion. As Jus-

tice White says: "Conceding that the con-

ception upon which the Constitution pro-

eeds is that no territory, as a general rule

should be acquired unless the territory may

reasonably be expected to be worthy of

statehood, the determination of when such

clessing is to be bestowed is wholly a po-

itical question, and the aid of the judiciary

cannot be invoked to usurp political dis-

cretion in order to save the Constitution

from imaginary or even real dangers." It is,

therefore, within the discretion of Congress

when to transfer the incorporated territory

to the status of statehood, when to incorpo-

rate territory previously appurtenant, and

when by annexation to bring lands, whether

apparently fitted or unfitted for ultimate

statehood, into the status of appurtenant

territory. Thus New Mexico has been re-

tained for half a century in the transition

state of the organized territory and still

occupies that status. Apparently, Alaska

was retained by Congress in the appurte-

nant condition for at least thirty-three

years, if it is not still in that status. The

appurtenant condition, like that of the or-

ganized territory, in which taxation with-

out representation prevails, is un-American

and Congress may be expected to end it as

soon as the national and territorial welfare

demand or will permit. But when all is

said the termination of this occupancy is

within the discretion of Congress in view

of all the conditions and may be long de-

layed, and Chief Justice Fuller's descrip-

tion of this term of occupancy as "indefi-

Ex-Secretary Boutwell, in the North

American Review for August, notes the indications of Supreme Court opinion in re-

spect to the temporary and transitory na

nite" may be accepted as accurate.

he United States.

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WYOMING

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125

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foreign country. If it is desired that duties which the Constitution has absolutely de-

ARE THE SIX MILLION FARMS IN THE UNITED STATES

18003

It has been suggested as a distressing deprivation of privilege from the occupants of this limbo that the appurtenant status violates the letter and spirit of the Constitution and from the constitutional point of view is virtual slavery. But when the Constitution says in the thirteenth amendment that slavery or involuntary servitude shall

not exist "within the United States or any place subject to their jurisdiction" it asserts by implication that there are places States which are not within the United States. And it also asserts by implication that the appurtenant or unincorporated status thus recognized is not in essence one of slavery or involuntary servitude, since the latter are forbidden to exist in the appurtenant territory in the very words which

Not Outside of the Constitution. There is no authority in Congress to govern appurtenant territory "outside of the self-evident;" Congress in legislating for

to act within the Constitution and subject

The opinions in Downes against Bidwell, when analyzed and compared, indicate the

was only empowered to act within the Constitution and subject to its applicable limitations. • • • Albeit, as a general rule, the status of a particular territory (as incorporated or unincorporated) has to be taken in view when the applicability of any provision of the Constitution is questioned it does not follow when the Constitution has absolutely withheld from the government all power on a given subject that such inquiry is necessary. Undoubtedly there are general prohibitions in the Con-stitution in favor of the liberty and prop-United States.)

These cases do not affect in any way the constitutional rights and privileges of appurtenant territory or its relation to the United States as an integral part or otherwise. They merely construe a tariff act of Congress, and decide whether a recently annexed territory falls within the descriptive words of the act, so that duties may be collected under it from that territory. The privilege which the De Lima case, for instance, confers upon appurtenant territory is that of exemption from payment of duties levied specifically upon the products of foreign countries, inasmuch as it is not a

necessary to show that none of the articles of the Constitution apply to the Island of Porto Rico. There is a clear distinction betreaty or the tariff act must itself provide tween such prohibitions as go to the very separate schedules for foreign countries and root of the power of Congress to act at all, irrespective of time or place, and such as

are operative only 'throughout the United States, or among the several states.
"Thus when the Constitution declares that 'no bill of attainder or ex post facto law shall be passed' and that 'no title of nobility shall be granted by the United States, it goes to the competency of Congress to pass a bill of that description. Per-haps the same remark may apply to the first amendment, that 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or of the right of the people to peacefully assemble, and to petition the government for a redress of grievance."

"We suggest without intending to decide that there may be a distinction between certain natural rights, enforced in the Con-stitution by prohibitions against interference with them, and what may be termed artificial or remedial rights, which are pe-culiar to our system of jurisprudence. Of the former class are the rights to one's own religious opinion and to a public expression of them, or, as sometimes said, to worship God according to the dictates of one's own conscience; the right to personal liberty and individual property; to freedom of speech and of the press; to free access to courts of justice; to due process of law, and to an equal protection of laws; to immunities from unreasonable searches and seizures as well as cruel and unnatural punishments, and to such other immunities as are indis-

pensable to a free government.

"It does not follow that "the people are in the matter of personal rights unprotected by the provisions of our Consti-tution and subject merely to the arbitrary centrol of Congress. • We disclaim any intention to hold that the inhabitants of these territories are subject to an unrestrained power on the part of Congress to deal with them upon the theory that they have no rights which it is bound to respect." (Justice Brown.)

(To be concluded.) THEODORE W. NOYES. GOV. TAFT MUCH BETTER

Will Leave Manila on the 20th, Coming to Washington at Once.

Secretary Root has received the following cable message from Mr. Luke Wright, acting civil governor of the Philippines, in regard to the condition and intentions of Governor Taft, who has been incapacitated for duty for several weeks on account of

'Taft will leave Manila on the transport Grant December 20. Reach Washington as soon as possible. Condition much improved by second operation. Recovery in full ex-pected by time San Francisco is reached."

The Time to Shop.

About this time of the year the wise shopper makes up her Christmas list and makes the bulk, if she does not make all, because she is wise that she does so. In the stores she finds the pick of holiday novelties. She also finds it easy to get attention. She is not pushed and hauled in a crowd of hundreds of eager eleventh-hour shoppers, and she escapes the physical exhaustion that must always follow such foot ball tactics. She is sure of finding what she wants, of having it altered or engraved or retouched, if necessary, and of having it delivered at once. She is sure that it will reach its destination in time, and that she will not be worried by any of the many vexations that overtake the unfortunate who postpones her shopping until the rush sets in. Probably out of every 100 shoppers, at least ninety-five will acknowledge that this is true, but it is quite safe to say that ninety out of the ninety-five will be found where the turmoil and scrimmages are thickest about three weeks from date.

Wages of 10,000 Men Raised. A special to the New York World from Chicago yesterday says: More than 10,000 employes of Armour & Co. received notice vesterday that they would have an increase in their salaries the first of the year. Many of the older employes of the big packing

plant are to receive bonuses in addition to increased pay.

Secretary C. F. Langdon said last night that it had been the rule of the company to make an improvement in the sala-

No. I. The Supreme Court in the insular tariff cases, and especially in Downes against Bidwell, as reaffirmed and extended in the second Dooley case, just decided, has given "local habitation and a name" to a status of American territory, occupied for a time by nearly every new acquisition, but not hitherto authoritatively bounded and described. This status is the initial stage of development in American national life, occupied by territory which has been annexed by the United States, but which has not been absorbed by it; in which the people are not citizens of the United States; to which neither the burdens nor the privileges

The condition is preliminary, like the status of food in the first of the camel's stomachs, removed by several stages from the fourth stomach, where begins that process of digestion which incorporates the food into the camel's body as an integral part thereof.

stage either to the inferno of expulsion from the American system or to the para-The condition is preparatory and educational, a national kindergarten, wherein in-

To this condition the Supreme Court has attached the name of "appurtenant terri-

The dissenting justices in Downes against Bidwell deny the existence of this intermediate state and submit a caustic definition of their understanding of the status of this appurtenant territory, as created or de-

quired by the United States, Congress has power to keep it like a disembodied shade

Boundaries of Appurtenant Territory.

this category, but this opinion falls one The boundaries of appurtenant territory may therefore be roughly outlined as fol-

District of Alaska.

Justice Gray, in holding that the cases before the court did not touch the authority of the United States over the territories in a strict and technical sense, specified as such territories "those which lie within the United States as bounded by the Atlantic and Pacific oceans, the Dominion of Canada and the Republic of Mexico," and the terri-tories of Alaska and Hawaii. The discrimination of Alaska and Hawaii from terri-tories which lie within the United States was probably not deliberate or intended to be significant, but Alaska displays certain of the conditions which characterize appurtenant territory and may perhaps be properly left in the doubtful category. In the case of Alaska, the precedent was set (1) for the annexation of non-contiguous territory; (2) for the annexation of terrifor habitation by the people of the temperate zone; (3) for the annexation of land not intended to be carved into states of come states: (4) for the annexation of a territory whose native people are uncivil-ized and unfit for American citizenship and are specifically denied incorporation as citi-zens of the United States, and (5) for the annexation of land bordering on the Pacific and of Pacific islands for the avowed pur-Asiatic trade and of controlling and Ameri-

scene of the future triumphs of civilization and of the world's commerce.

These conditions, in which the case of resembles that of our recent Asiatic acquisitions from Spain, caused the omision from the Alaskan treaty of cession of those guarantees of statehood, involved in pledges of incorporation "in the Union of the United States," which are found in every previous annexation treaty to which the United States has been a party. The Alaskan treaty did contain a promise that inhabitants who did not elect to return to Russia within three years should enjoy the rights, advantages and immunities of citizens of the United States, and should be maintained and protected in the free enjoyment of their liberty, property and re-ligion. But the inhabitants referred to were the handful of Russian residents, and there were excepted from this promise of individual incorporation into the United States the "uncivilized native tribes," constituting nearly the entire population of Alaska, which were specifically denied citi-Alaska, which were specifically defined as zenship and placed on the same footing as our aboriginal Indians. The treaty's promour aboriginal American citizenship to ise of the rights of American citizenship to the Alaskan whites was for at least thirtythree years disregarded. For seventeen years after cession Alaska remained under

tory from the appurtenant to the incorporated stage. rated stage.

Justice Gray, who is most pointed in his suggestions of the temporary and transitory nature of appurtenancy, robs his remarks of much of their comfort to hasty incorporationists by indirectly indicating that so far as the Philippines are concerned this status should be preserved for at least ten

determine to suspense in promotion of the public welfare, to prolong this "process of delay," it has only to refrain from the legislative act, whatever its nature, which the Supreme Court indicates as the signal of congressional intention to transfer territory from the appurtenant to the incorner.

THE GREATEST CONSUMING MARKET

tional citizenship.
Either Alaska is still "appurtenant," or

tween this position and the doctrine that f their inhabitants do not become immeupon annexation citizens of the States, their children thereafter born, whether savage or civilized, are such and entitled to all the rights, privileges and immunities of citizens. If such be their status the consequences will be extremely serious. Indeed, it is doubtful if Congress would ever assent to the annexation of terants, however foreign they may be to our habits, traditions and modes of life, shall become at once citizens of the United

United States the right to acquire and to strip it of all power to protect the birth-right of its own citizens and to provide for the well-being of the acquired territory by dition be essential, is, in effect, to say that the United States is helpless in the family of nations, and does not possess that au-thority which has at all times been treated as an incident of the right to acquire."

Court created this status.

Appurtenant territory enjoys certain pecu-

spect to the temporary and transitory nature of the occupancy of the appurtenant stage, and suggests that the new acquisitions must soon be out of the unincorporated status, and concludes that "thus the demand of the anti-imperialists will have been satisfied, though only through a process of delay." The issue was, however, that of the existence of this very power to delay incorporation. When the Supreme Court affirmed this power it overthrew the vital contention of the anti-imperialists, and the decisiveness of the defeat is not modified by the story seems of the period during which Congress, in its discretion, may determine to exists the contested power. If Congress wishes, in promotion of the territory, in order to protect its industries and to raise necessary revenues for it, impose special duties, framed solely to promote the local welfare, upon goods brought into it even from a state of the Union. Second Dooley against the United States.) Though not an integral part of the United States appurtenant territory, when it is both "ceded to and in the possession of the United States," is domestic territory of the United States, though not an organized

similar to those imposed by the Dingley act upon foreign countries shall be collected on the imports from a new territorial acquisiin the treaty or in an act of Congress to go into effect upon the ratification of the